IN THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

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NOTICE OF REMOVAL

Comes the Cincinnati Insurance Company pursuant to 28 USC § 1441 et seq. and 28 USC § 1332(a) and would respectfully show the Court as follows:

- 1. This is a declaratory judgment lawsuit in which Metropolitan Hospital Authority d/b/a Nashville General Hospital (Metro) seeks defense and indemnity from Cincinnati Insurance Company for an action filed in the Circuit Court for Davidson County, Tennessee styled *Donald J. Powell v. Metropolitan Nashville General Hospital; William Bacon, M.D.; K. Walker; and Jane Doe*, Case Number: 05C3239. A copy of the underlying complaint is attached.
- 2. The Cincinnati Insurance Company (Cincinnati) has received a copy of the attached Complaint for Declaratory Judgment, filed in Davidson County, Tennessee Circuit Court, Case Number 08C1514.

- 3. There has not yet been service of process, but Cincinnati has been provided with a courtesy copy of the complaint and formal service is waived. This notice is filed less than thirty days of Cincinnati's receipt of the complaint.
- 4. Plaintiff, Metropolitan Hospital Authority d/b/a Nashville General Hospital, is a governmental entity affiliated with the Metropolitan Government of Nashville with its principal place of business in Davidson County, Tennessee.
- Cincinnati maintains its principal place of business at 6200 South Gilmore Road,
 Fairfield, OH 45014.
 - 6. The underlying complaint seeks \$250,000 in compensatory damages.
- 7. Because this lawsuit involves citizens of different states and the amount in controversy exceeds \$75,000.00, this Court has jurisdiction pursuant to 28 U.S.C. § 1332.

ACCORDINGLY, Defendant hereby removes this case from the Circuit Court for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee.

Respectfully submitted this 22nd day of May, 2008.

s/ John M. Neal

John M. Neal, BPR #5920 THE NEAL LAW FIRM Post Office Box 51930 Knoxville, TN 37950 (865) 684-4600

Attorney for Cincinnati Insurance Companies

CERTIFICATE OF SERVICE

Th	e undersigned	hereby certif	ies that a cop	y of the fore;	going has	been fi	urnished to	counse
of record i	n this cause by	y one of the f	ollowing mea	ıns, as check	ed, on the	22nd d	lay of May,	, 2008.

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> s/ John M. Neal John M. Neal